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REMARKS

Applicants again appreciate the Examiner's thorough review of the present application, as evidenced by the first Official Action of this Request for Continued Examination (RCE). The first Official Action now rejects Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,862,357 to Ahlstrom et al. in view of U.S. Patent No. 5,331,546 to Webber et al. Also, the Official Action rejects Claims 3-8, 10, 14-19, 21, 25-30, 32, 46, 47, 49 and 51 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the Weber patent, and further in view of U.S. Patent No. 5,948,040 to DeLorme et al. Further, the Official Action continues to reject Claims 11, 22, 33, 34 and 37-42 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the DeLorme Patent, and further in view of U.S. Patent No. 5,897,620 to Walker et al.

In response to the final Official Action, Applicants have amended independent Claims 1, 10, 12, 21, 23, 32, 36, 43, 44, 49 and 50 to further clarify patentable features of the claimed invention. More particularly, Applicants have amended independent Claims 1, 12 and 23 to include the recitations of dependent Claims 3, 14 and 25, respectively. Accordingly, Claims 3, 14 and 25 have been cancelled, and dependent Claims 4, 15 and 26 have been amended to now depend from independent Claims 1, 12 and 23, respectively. Applicants have not amended independent Claims 11, 22, 33 or 34 in light of the Official Action, however, and therefore traverse the rejections of such claims, as described in more detail below.

***I. Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50 are Patentably Distinct
From the Ahlstrom and Webber Patents***

As indicated above, the Official Action rejects Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50 as being unpatentable over the Ahlstrom patent in view of the Webber patent. Amended independent Claims 1, 12, 23, 36 and 43 recite methods, computer-readable mediums and systems for providing information regarding savings associated with travel alternatives. And amended independent Claims 44 and 50 recite methods for providing travel alternatives. As recited in independent Claims 1, 12, 23, 36, 43, 44 and 50, a request reflecting a travel itinerary is received or provided, the request including an origination location, a destination location and,

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as amended, proximity tolerances specifying a user's acceptable range for alternative itineraries. The travel itinerary is then analyzed to determine a set of alternative itineraries, where analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination that is different than the originating location or destination included in the request, and as amended, is within the proximity tolerances. Then, as recited in independent Claims 1, 12, 23, 36, 43 and 44, information (e.g., values) regarding the travel itinerary specified in the request and the alternative itineraries can be determined, with a report subsequently generated to include the information. As recited in Claim 50, a report can be provided such that the user can visually inspect a map including a graphical representation of the itinerary specified in the request and the alternative itineraries.

In contrast to the recited methods, computer-readable mediums and systems of amended independent Claims 1, 12, 23, 36, 43, 44 and 50, and as conceded by the Official Action, the Ahlstrom patent does not teach or suggest identifying an alternative itinerary that includes either an alternative origination or destination location. Thus, Applicants respectfully submit that the Ahlstrom patent likewise does not teach or suggest identifying an alternative itinerary that includes an alternative origination or destination location within proximity tolerances included in a request reflecting a travel itinerary. Likewise, Applicants respectfully submit that the Webber patent also does not teach or suggest receiving or providing a request including an origination location, a destination location and proximity tolerances specifying a user's acceptable range for alternative itineraries, or identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances.

The Webber patent discloses a trip planner system that determines itineraries between designated originating and destination cities. In an illustrated example, the system operates to process a trip request from any New York City airport (NYC) to Los Angeles International Airport (LAX). Col. 17, lines 40-56. After processing the trip request, the system of the Webber patent outputs a number of flights between either John F. Kennedy (JFK) airport or Newark, NJ (EWR) airport, both within NYC, and LAX. Col. 19, lines 36-44. The system operates by identifying airports that have direct flights from the originating airport to any intermediate airports that have direct flights to the destination airport, and places the identified flights in a

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"From List" and a "To List," respectively. The lists are then compared to determine whether there are any common airports. The flights associated with the common airports are then filtered based on criteria designated by a user to determine a list of cost-effective flights that the user may select to travel from the originating airport to the destination airport.

The Webber patent therefore discloses a trip planner system that, in one exemplar embodiment, processes a trip request to provide flights between NYC and LAX, where the NYC designation includes any airport within New York City and is given as including JFK and EWR. The Webber patent does not teach or suggest, however, receiving a request including proximity tolerances specifying an acceptable range for alternative itineraries, and identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances, as now recited by independent Claims 1, 12, 23, 36, 43, 44 and 50.

As disclosed by the Webber patent, and as well known to those skilled in the art, NYC is a city code that, in the airline industry, identifies JFK and EWR, as well as La Guardia airport (LGA). As also well known to those skilled in the art, CHI is the city code for Chicago, IL, and includes Midway airport (MDW) and O'Hare airport (ORD); and WAS is the city code for Washington, D.C., and includes Dulles airport (IAD), National airport (DCA) and Baltimore, MD airport (BWI). Thus, by definition in the airline industry, NYC identifies JFK and EWR (as well as LGA). As disclosed, then, the system and method of the Webber patent do not identify alternative origination or destination locations within proximity tolerances included in a request, as recited by amended independent Claims 1, 12, 23, 36, 43, 44 and 50, but merely identify airports by a given airline or city code.

As shown, then, the neither the Ahlstrom patent nor the Webber patent, individually or in combination, teach or suggest identifying an alternative itinerary that includes an alternative origination or destination location within proximity tolerances included in a request reflecting a travel itinerary, as recited by amended independent Claims 1, 12, 23, 36, 43, 44 and 50. Applicants therefore respectfully submit that amended independent Claims 1, 12, 23, 36, 43, 44 and 50, and by dependency Claims 2, 13, 24, 35, 45 and 48, are patentably distinct from the systems and methods of the Ahlstrom and Webber patents, taken individually or in combination. Thus, Applicants respectfully submit that the rejection of Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-

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45, 48 and 50 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the Webber patent, is overcome.

II. Claims 3-8, 10, 14-19, 21, 25-30, 32, 46, 47, 49 and 51 are Patentably Distinct From the Ahlstrom Patent, Webber patent and DeLorme Patent, taken Individually or in Combination

The Official Action rejects Claims 3-8, 10, 14-19, 21, 25-30, 32, 46, 47, 49 and 51 as being unpatentable over the Ahlstrom patent in view of the Webber patent, and further in view of the DeLorme patent. As described above, amended independent Claims 1, 12, 23, 44 and 50 are patentably distinct from the Ahlstrom and Webber patents, taken individually or in combination. As dependent Claims 3-8, 14-19, 25-30, 46, 47 and 50 depend, directly or indirectly, from independent Claims 1, 12, 23, 44 and 50, respectively, dependent Claims 3-8, 14-19, 25-30, 46, 47 and 51 include all the limitations of a respective independent claim. Therefore, dependent Claims 3-8, 14-19, 25-30, 46, 47 and 51 are patentably distinct from the Ahlstrom and Webber patents for at least the reasons given above with respect to independent Claims 1, 12, 23, 44 and 50. As described below, the combination of the Ahlstrom and Webber patents with the DeLorme patent does not remedy the shortcomings of the Ahlstrom and Webber patents, and still fails to teach or suggest the claimed invention.

Amended independent Claims 10, 21 and 32 provide a method, computer-readable medium and computer system, respectively, for providing information regarding savings associated with travel alternatives. And amended independent Claim 49 recites a method for providing travel alternatives. Like independent Claims 1, 12, 23, 36, 43, 44 and 50, amended independent Claims 10, 21, 32 and 49 recite receiving or providing a request reflecting a travel itinerary, the request including an origination location and a destination location. The travel itinerary is then analyzed to determine a set of alternative itineraries, where analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination. Also like independent Claims 1, 12, 23, 36, 43, 44 and 50, amended independent Claims 21 and 49 recite that the request includes proximity tolerances specifying a user's acceptable range for alternative itineraries, and recite that the alternative itinerary(ies)

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include an alternative origination or destination location within the proximity tolerances. Amended independent Claims 10 and 32, on the other hand, further recite that analyzing the travel itinerary includes locating any predetermined travel packages that include travel for the travel itinerary reflected in the request and any predetermined travel packages that include travel for the alternative itinerar(ies), where the travel packages are pre-configured packages based upon prior negotiations with providers of travel services.

As described above with respect to amended independent Claims 1, 12, 23, 36, 43, 44 and 50, neither the Ahlstrom patent nor the Webber patent teaches or suggests identifying an alternative itinerary that includes an alternative origination or destination location within proximity tolerances included in a request reflecting a travel itinerary, as also recited by amended independent Claims 10, 21, 32 and 49. Applicants respectfully submit, then, that independent Claims 10, 21, 32 and 49, like dependent Claims 3-8, 14-19, 25-30, 46, 47 and 51, are patentably distinct from the Ahlstrom and Webber patents, taken individually or in combination, for at least the same reasons given above with respect to independent Claims 1, 12, 23, 36, 43, 44 and 50.

The DeLorme patent discloses a travel reservation information and planning system and method. According to the method, users engage in a planning process, whereby the users plan, revise or edit travel plans. The users can also preview alternate routes between a fixed travel origin and travel destination, select points of interest, and compare times and costs of transportation options such that the users can achieve a final travel plan. The DeLorme system allows a user to construct a highly selective travel route between the travel origin and travel destination, with user-selected waypoints of interest along the route. In this regard, the DeLorme system provides for changing the travel route including the transportation routes, waypoints, and objects or points of interest. Col. 7, lines 25-30.

As shown then, like the Ahlstrom patent, the DeLorme patent provides for altering routes between an origination and a destination location. Also like the Ahlstrom patent, however, the DeLorme patent does not teach or suggest identifying at least one alternative itinerary that includes an alternative origin or destination that is different from those received in a request reflecting a travel itinerary, as recited by amended independent Claims 1, 12, 23, 36, 43, 44 and

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50, as well as amended independent Claims 10, 21, 32 and 49. In this regard, the DeLorme patent provides for receiving the origination and destination location, and determining a route between the origination and destination location where the route is defined by a series of waypoints. During optimization of the travel itinerary, the DeLorme patent provides for modifying the waypoints, but does not provide for modifying either the origination or destination locations, as recited in amended independent Claims 1, 12, 23, 36, 43, 44 and 50, and amended independent Claims 10, 21, 32 and 49. Thus, the DeLorme patent likewise does not teach or suggest identifying an alternative origination or destination location within proximity tolerances, as further recited by amended independent Claims 1, 12, 23, 36, 43, 44 and 50, and amended independent Claims 21 and 49.

Similarly, the DeLorme patent does not teach or suggest locating any predetermined travel packages that include travel for the travel itinerary reflected in the request and any predetermined travel packages that include travel for the alternative itinerar(ies), as further recited by amended independent Claims 10 and 32. Applicants note that the Official Action alleges that the DeLorme patent, at column 12, lines 48-67, teaches travel packages pre-configured based upon prior negotiations with providers of travel services. In this regard, the Official Action notes that the DeLorme patent discloses that "hotel chains, state tourism bureaus, and local chambers of commerce could publish travel package embodiments for planning trips, printing maps, discount offers, trip directions and other such information about a limited range of attractions, events or seasonal activities.

Applicants respectfully submit, however, that properly interpreted, the DeLorme patent discloses that third-party providers such as hotel chains, state tourism bureaus, or local chambers of commerce could publish the Travel Reservation and Information Planning System (TRIPS) wholly on removable electronic media such as CD-ROMs. Then, for the third-party providers, the CD-ROMs could function as electronic travel brochures for planning trips, printing maps, discount offers, trip directions and other information. Nowhere, however, does the DeLorme patent disclose the third-party providers providing travel packages, or otherwise providing travel packages pre-configured based upon prior negotiations with the third-party providers.

Interpreting the allegation of the Official Action, the Official Action appears to suggest that

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electronic media such as CD-ROMs can be considered travel packages. According to Section 2111 of the MPEP, however, "[t]he broadest reasonable interpretation of the claims must [] be consistent with the interpretation that those skilled in the art would reach" (*citing In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999)). In this regard, Applicants respectfully submit that in no reasonable interpretation consistent with the interpretation of those skilled in the art could the electronic media disclosed by the DeLorme patent be interpreted as pre-configured travel packages.

Applicants respectfully submit, then, that the claimed invention of amended independent Claims 1, 12, 23, 36, 43, 44 and 50, and amended independent Claims 10, 21, 32 and 49, is patentably distinct from the system and method of the DeLorme patent. As before, as dependent Claims 3-8, 14-19, 25-30, 46, 47 and 51 depend, directly or indirectly, from independent Claims 1, 12, 23, 44 and 50, respectively, dependent Claims 3-8, 14-19, 25-30, 46, 47 and 51 include all the limitations of independent Claims 1, 12, 23, 44 and 50, respectively. Therefore, dependent Claims 3-8, 14-19, 25-30, 46, 47 and 51 are patentably distinct from the DeLorme patent for at least the reasons given above with respect to independent Claims 1, 12, 23, 44 and 50.

Applicants therefore respectfully submit that the claimed invention of amended independent Claims 1, 10, 12, 21, 23, 32, 36, 43, 44, 49 and 50, and by dependency Claims 3-8, 14-19, 25-30, 46, 47 and 51, is patentably distinct from the system and method of all of the Ahlstrom patent, Webber patent and DeLorme patent, taken individually or in combination. As such, Applicants respectfully submit that the rejection of Claims 3-8, 10, 14-19, 21, 25-30, 32, 46, 47, 49 and 51 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the Webber patent, and further in view of the DeLorme patent, is overcome.

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III. Claims 11, 22, 33, 34 and 37-42 are Patentably Distinct From the Ahlstrom Patent, the DeLorme Patent and the Walker Patent, Taken Individually or in Combination

As also indicated above, the Official Action rejects Claims 11, 22, 33, 34 and 37-42 as being unpatentable over the Ahlstrom patent in view of the DeLorme patent, and further in view of U.S. Patent No. 5,897,620 to Walker et al. As described above, the Ahlstrom patent discloses a computer reservation system that receives a proposed travel itinerary including a starting location, a final location and any desired intermediate stops. As also described above, the DeLorme patent discloses a travel reservation information and planning system and method.

As previously explained, the Walker patent (otherwise known as the Priceline.com patent) discloses a method and apparatus for the sale of airline-specified flight tickets. The Walker patent discloses an unspecified-time airline ticket that represents a purchased seat on a flight to be subsequently selected for a traveler-specified itinerary. As disclosed, then, various systems and methods are provided for matching the unspecified-time ticket with a flight. In one disclosed embodiment, a traveler could submit a bid to an airline for an unspecified-time ticket, where the bid specifies an amount (e.g., \$375) the traveler is willing to pay for the ticket. Upon receipt of the bid, the airline can then decide whether to accept or reject the bid.

Independent Claims 11, 22, 33 and 34 recite a method, computer-readable medium and computer systems, respectfully, for providing information regarding savings associated with travel alternatives. As recited, a travel itinerary is received or provided that includes an origination location and a destination location. The travel itinerary is then analyzed to determine a set of alternative itineraries, and thereafter values regarding the travel itinerary specified in the request and the alternative itineraries can then be determined, e.g., the prices of the respective itineraries are determined. At least one price-to-beat request can then be sent to a plurality of service providers (or, as recited in independent Claims 33 and 34, a trader interface or supplier interface, respectfully, can receive price-to-beat requests). For example, the price of the least expensive itinerary may fix the price of the price-to-beat request. Then, a response from the service providers may include information on a service provider itinerary and a value, e.g., price, of the service provider itinerary, where the service provider itineraries may be the same, or

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comparable, to the itinerary specified in the request or one of the alternative itineraries. The values of the itinerary specified in the request and the alternative itineraries can then be reconfigured based upon the responses, and thereafter a report can be generated including the reconfigured values.

In contrast to the method, computer-readable medium and computer systems of independent Claims 11, 22, 33 and 34, neither the Ahlstrom patent, the DeLorme patent nor the Walker patent teach or suggest, individually or in combination, a system or method including analyzing a travel itinerary to determine a set of alternative itineraries, determining values for the travel itinerary and the alternative itineraries, sending at least one price-to-beat request (where the price-to-beat request may include the values of the travel itinerary and the alternative itineraries) and receiving responses including a service provider travel itinerary that may be the same, or comparable, to the travel itinerary or an alternative itinerary, as recited in independent Claims 11, 22, 33 and 34. Further, none of the Ahlstrom patent, the DeLorme patent or the Walker patent teach or suggest, individually or in combination, reconfiguring the values of the travel itinerary and the alternative itineraries based upon the responses from the service providers, as also recited in independent Claims 11, 22, 33 and 34.

The Walker patent does disclose a system for purchasing an unspecified-time ticket that allows a user to bid for a price from a specified airline. The Walker patent does not teach or suggest, however, determining values for a requested itinerary and alternative itineraries and sending the price-to-beat request based upon the values. Also, the Walker patent does not teach or suggest receiving responses from the service providers including a service provider itinerary and an associated value, where the service provider itinerary may be the same, or comparable, to the requested itinerary or an alternative itinerary. Instead, the Walker patent discloses a bidding system where a traveler submits to an airline a specific itinerary and a specific price the traveler is willing to pay for an unspecified-time ticket for the specific itinerary. Nowhere, however, does the Walker patent disclose how the traveler determines the price the traveler is willing to pay for the ticket. In this regard, the Walker patent does not teach or suggest that the traveler determines the price the traveler is willing to pay for the ticket based upon a value associated

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with a requested itinerary and values associated with alternative itineraries, as recited by the claimed invention.

Also, as clearly stated by the Walker patent, the traveler submits a price to an airline for a specific itinerary, and the airline responds whether to accept or reject the bid based on inventory and pricing guidelines. In this regard, the Walker patent does not teach or suggest receiving, from service providers, service provider itineraries that may be the same, or comparable, to the requested itinerary or an alternative itinerary, as recited in independent Claims 11, 22, 33 and 34. The Walker patent clearly discloses that a specific itinerary for a specific price is either accepted or rejected by the airline, and not modified by the airline either in price (service provider price) or itinerary (service provider itinerary).

Notwithstanding the above, Applicants also respectfully submit that even if the bidding feature of the Walker patent could be reasonably interpreted as the price-to-beat feature of the claimed invention, the Ahlstrom, DeLorme and Walker patents cannot properly be combined to teach or suggest the claimed invention of independent Claims 11, 22, 33 and 34. In this regard, Applicants respectfully submit that the combination proffered by the Official Action is inconsistent § 2143.01 of the MPEP, which states that a proposed modification of the prior art cannot render the prior art unsatisfactory for its intended purpose. In this regard, Applicants respectfully submit that changing the system in the Walker patent from a user/buyer price driven system to a supplier price driven system for purposes of the rejection is inconsistent with the MPEP. Specifically, Applicants note that there is a fundamental difference between the purpose of the claimed invention and that of the Walker patent. In particular, the claimed invention relates to supplier driven pricing where the user/buyer inputs a request for the item and the system provides either a lowest price or lowest prices offered by suppliers, while the Walker patent is directed to user/buyer driven pricing where the user/buyer sets the price. The combination proposed by the Official Action would essentially alter the system of the Walker patent to a supplier driven pricing model, which would be completely opposite of the fundamental purpose of the system of the Walker patent.

Specifically, Priceline.com has marketed its system as a shopping venue where the user/buyer sets the price and suppliers decide whether to sell product at the price set by the

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user/buyer. The Walker patent states that a user/buyer transmits a guaranteed purchase offer or bid (e.g., \$375), which is then made available to suppliers to either accept or reject. The patent further states that an advantage of the system is that the suppliers can fill excess seating capacity without lowering their published fares, and as such, without initiating a fare war. See col. 6, ll. 33-51. As such, the purpose of the system of the Walker patent is for the user/buyer to make a guaranteed purchase offer or bid that the suppliers can either accept or reject. There is no search for the lowest price disclosed in the Walker patent. The user/buyer is nowhere insured that he/she will get the lowest price for a given itinerary, or even a price the same or comparable to a previously received price for the given itinerary. It may be that the user/buyer sets a price that is higher for the itinerary than they could have gotten by merely soliciting suppliers for their best price. For example, a user/buyer may pay too high of a price for the itinerary. The user/buyer may put in a price to purchase of an itinerary for \$100, which is met by a supplier. It may be that the supplier was willing to sell the item for \$90, but because the system of the Walker patent is a user/buyer price driven system, the user/buyer paid \$10 too much and the supplier received an added \$10.

Section 2143.01 of the MPEP provides an example of an instance where prior art was improperly modified in a rejection. Specifically, in *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984), the claimed invention was a blood filter system where both the inlet and outlet were located at the bottom of the filter and a gas vent was at the top of the filter. A gas/oil filter was cited against the claims that included an inlet and an outlet at the top of the filter and a stopcock at the bottom of the filter. Gravity was used in the filter to separate dirt from the gas/oil. The Examiner and Patent Board determined that the claims were unpatentable as it would be obvious to turn the prior art gas/oil filter upside down. The Federal Circuit disagreed. The Court stated that if the gas/oil filter was turned upside down, it would be inoperable for its intended purpose as the gas/oil would be trapped at the top of the filter and the dirt would flow out of the outlet.

Applicants respectfully submit that the alteration of the system of the Walker patent from a user/buyer price driven system where the buyer sets the price, to a supplier price driven system where the user/buyer is allowed to search for a price (e.g., the lowest price) offered by a supplier, makes the system of the Walker patent inoperable for its intended purpose as the entire business

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model and business operation would be upended. For example, in this alteration, the user/buyer no longer makes, and supplier no longer receives, a guaranteed purchase offer or bid. For this reason, Applicants respectfully submit that all of the claims of the present application are patentable over the cited references.

Even if the references were combined, however, Applicants respectfully submit that neither the Ahlstrom patent, the DeLorme patent nor the Walker patent, individually or in combination, teach or suggest the claimed invention of independent Claims 11, 22, 33 and 34, by dependency Claims 37-42. As such, Applicants respectfully submit that the rejection of Claims 11, 22, 33, 34 and 37-42 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the DeLorme patent, and further in view of the Walker patent, is overcome.

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CONCLUSION

In view of the amendments to the claims and the remarks presented above, it is respectfully submitted that all of the claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

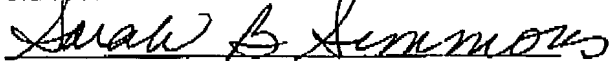


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